

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-09-2017

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.29809 of 2015

And

M.P.No.1 of 2015

S.Kumar

.. Petitioner

vs.

1.District Collector,
Vellore District,
Vellore.

2.Block Development Officer,
Arakkonam Panchayat union,
Arakkonam,
Vellore District.

.. Respondents

This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, forbearing the respondents from selecting and appointing any person on the basis of the interview held on 7.9.2015 pursuant to the interview call letter issued by the second respondent in his proceedings Na.Ka.A1/468/2015 dated 31.8.2015 and conclude the selection on the basis of the earlier interview conducted on 23.3.2015 pursuant to the interview call letter issued by the second respondent in his proceedings Na.Ka.A1/468/2015 dated 18.3.2015 and appoint the suitable candidate as Office Assistant.

For Petitioner : Mr.C.Kalaichelvan

For Respondents : Mr.C.C.Rangarajan,
Government Advocate.

O R D E R

The relief sought for in this writ petition is for a direction to forbear the respondents from selecting and appointing any person on the basis of the interview held on 7.9.2015 pursuant to the interview call letter issued by the second respondent in proceedings dated 31.8.2015 and conclude the selection on the basis of the earlier interview conducted on 23.3.2015 pursuant to the interview call letter issued by the second respondent in proceedings dated 18.3.2015.

2. The learned counsel appearing for the writ petitioner made a submission that the writ petitioner was also sponsored through the District Employment Exchange for appointment to the post of Office Assistant in the Office of the respondents. Accordingly, the writ petitioner responded and appeared before the Interview Committee for certificate verification and thereafter, there was no information from the respondents with regard to the appointment to the post of Office Assistant.

3. On verification, the writ petitioner came to understand that none had been appointed based on the interview conducted on 23.3.2015 and they have invited another list from the District Employment Exchange for appointment to the post of Office Assistant. In this view of the matter, the writ petitioner was constrained to move this writ petition for a relief to

stick on to the interview held on 23.3.2015 and appoint the candidates based on the first list called for from the District Employment Exchange, in which the name of the writ petitioner was found.

4. Appointment can never be claimed as a matter of right nor selection. A mere participation in the interview cannot be a ground to move this writ petition, seeking the relief of appointment or to stick on to the interview conducted by the appointing authorities. The authorities competent can conclude the selection process or they can cancel the same in between if circumstances warrant. However, the candidates, who appeared in the interview, have no legal right to claim that the authorities should appoint the persons based on the interview conducted.

5. In the case on hand, the interview was conducted for a list of candidates on 23.3.2015. The writ petitioner claims that the appointment orders to be issued based on the interview conducted on 23.3.2015, in which the writ petitioner also participated. Such a claim cannot be accepted in the absence of any legal right established in this regard.

6. The claim of the writ petitioner is not supported by any rules in this regard. A mere participation, cannot be a ground to claim the appointment as a matter of right. If the employment seniority is violated,

that is a separate cause for the writ petitioner for separate adjudication and that cannot form the basis for the writ petitioner to claim the appointment on the basis of the interview held on 23.3.2015.

7. Admittedly, no person was appointed based on the interview conducted on 23.3.2015. Such being the factum of the case, no consideration on the grounds raised in this writ petition needs to be undertaken and it is left open to the writ petitioner to participate in the next process of selection in accordance with his employment seniority and this Court is not inclined to consider the other grounds on merits raised in this writ petition. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

06-09-2017

Speaking Order/Non-Speaking Order.

Index : Yes/No.

Internet : Yes/No.

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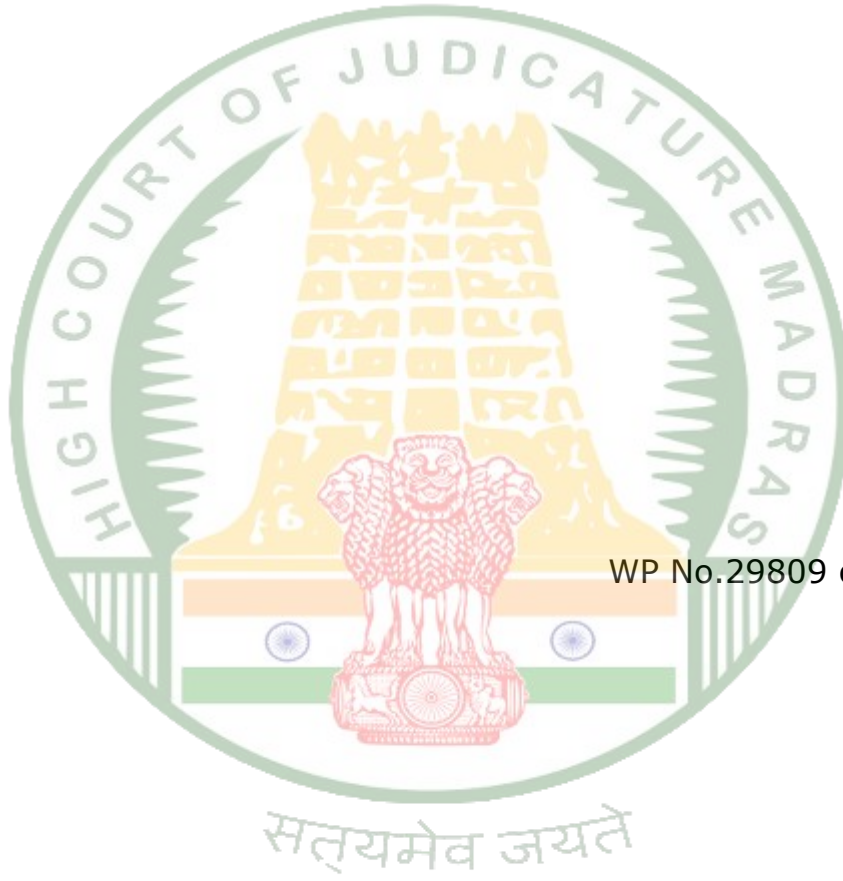
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S.M.SUBRAMANIAM, J.

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